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4140 Parklake Avenue, Suite 600, Raleigh, NC 27612  
P.O. Box 37428, Raleigh, NC 27627  
919-854-1400  
Facsimile 919-854-1401

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TELECOPIER TRANSMISSION  
COVER SHEET

Legal Staff  
International Division

Date: June 1, 2007

File Number: 9052-241

Telecopier No.: 571-273-0459

Telephone No.: 571-272-3302

To: James Thomson  
Attorney Advisory  
Office of PCT Legal Administration  
U.S. Patent and Trademark Office

From: Susan E. Freedman for Shawna Cannon Lemon

Number of Pages: 15

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Mr. Thomson:

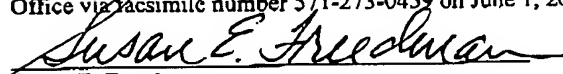
Per our telephone conversation today, attached are copies of the following documents filed May 10, 2007, responsive to your Decision on Petition in USSN 10/572,975:

1. Response to Decision on Petition Under 37 CFR 1.42 (1 page);
2. Declaration and Power of Attorney for Patent Application (7 pages);
3. Application Data Sheet (5 pages); and
4. Stamped Postcard Receipt.

Thank you for your consideration.

CERTIFICATION OF FACSIMILE TRANSMISSION  
UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office via facsimile number 571-273-0459 on June 1, 2007.

  
Susan E. Freedman

Date of Signature: June 1, 2007

Confidentiality Note

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. THANK YOU.

Attorney Docket No. 9052-241

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Clark et al.

Confirmation No. 4577

Serial No.: 10/572,975

PCT No.: PCT/GB2004/004054

Int. Filing Date: 23 September 2004

Priority Date: 23 September 2003

For: EXCRETABLE REPORTER SYSTEMS

May 10, 2007

Mail Stop PCT

Commissioner for Patents

Office of PCT Legal Administration

P. O. Box 1450

Alexandria, VA 22313-1450

**COPY****RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.42**

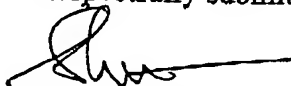
Sir:

Responsive to the Decision on Petition Under 37 CFR 1.42 dated April 25, 2007 (hereinafter, "Decision"), Applicant notes that Helen Elizabeth Clark is the legal representative of the estate of Anthony John Clark. Applicant further notes that information pertaining to Anthony John Clark is provided on documents concurrently submitted herewith. More specifically, the following documents are attached responsive to the Decision:

- ▶ Declaration and Power of Attorney for Patent Application; and
- ▶ Application Data Sheet 37 CFR 1.76.

No fee is believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any refund to Deposit Account No. 50-0220.

Respectfully submitted,



Shawna Cannon Lemon  
Registration No. 53,888

**Customer Number 20792**

Myers Bigel Sibley &amp; Sajovec, P.A.

P.O. Box 37428

Raleigh, NC 27627

919-854-1400


919-854-1401 (Fax)

**CERTIFICATE OF EXPRESS MAILING**

Express Mail Label No. EV 887524538 US

Date of Deposit: May 10, 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Susan E. Freedman

Date of Signature: May 10, 2007

ATTORNEY DOCKET NO. 9052-241

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

**COPY**

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **EXCRETABLE REPORTER SYSTEMS**, the specification of which

☐ is attached hereto

OR

☒ was filed on September 23, 2004 as PCT International Application Number PCT/GB2004/004054, and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

PCT/GB2004/004054	WIPO	09/23/2004	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
0322196.7	Great Britain	09/23/2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

## ATTORNEY DOCKET NO. 9052-241

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

None	
Application Number(s)	Filing Date (MM/DD/YYYY)
Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or §365(c) of any PCT international application designating the United States of America, listed below.

PCT/GB2004/004054	09/23/2004	Pending
Application No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned
Application No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. I also appoint the following registered attorney(s) to represent me before all competent International Authorities in connection with any and all international

ATTOR Y DOCKET NO. 9052-241

applications filed by me with an appropriate receiving office claiming priority to the U.S. application. I also appoint the following registered attorney(s) to make or receive payment on my behalf in connection with the filing of such international applications.

**Customer No. 20792**

Send correspondence to:

**Customer No. 20792**

Myers Bigel Sibley &amp; Sajovec, P.A.

P. O. Box 37428

Raleigh, North Carolina 27627

Telephone: (919) 854-1400

Facsimile: (919) 854-1401

Direct telephone calls to:

Shawna Cannon Lemon

(919) 854-1400


Facsimile:

(919) 854-1401

Full name of first inventor:

**Anthony John Clark (Deceased)**

Signature of Inventor's Legal Representative:



Helen Elizabeth Clark

Legal Representative of the Estate of Anthony John Clark

Date: 27/4/06

Residence:

United Kingdom

Citizenship:

United Kingdom

Mailing Address:

Roslin Institute (Edinburgh), Roslin Biocentre


Midlothian Scotland EH25 9PS

United Kingdom

## ATTORNEY DOCKET NO. 9052-241

Full name of second inventor: **Charles Roland Wolf**

Inventor's

Signature: 

Date: 4 APRIL 2006

Residence: United Kingdom

Citizenship: United Kingdom

Mailing Address: CXR Biosciences Ltd.  
James Lindsay Place  
Dundee Technopole  
Dundee, Scotland DD1 5JJ  
United Kingdom

## ATTORNEY DOCKET NO. 9052-241

Full name of third inventor: **Christopher Bruce Alexander Whitelaw**

Inventor's  
Signature:  Date: 25/4/2006

Residence: United Kingdom

Citizenship: United Kingdom

Mailing Address: Roslin Institute (Edinburgh), Roslin Biocentre  
Midlothian Scotland EH25 9PS  
United Kingdom

## ATTORNEY DOCKET NO. 9052-241

Full name of fourth inventor: **Kenneth Brown**

Inventor's  
Signature:  Date: 5<sup>th</sup> April 08

Residence: United Kingdom


Citizenship: United Kingdom

Mailing Address: CXR Biosciences Ltd.  
James Lindsay Place  
Dundee Technopole  
Dundee, Scotland DD1 5JJ  
United Kingdom



## ATTORNEY DOCKET NO. 9052-241

Full name of fifth inventor: **Simon Martin Temperley**

Inventor's  
Signature: 

Date: 5<sup>th</sup> APRIL 2006

Residence:  United Kingdom

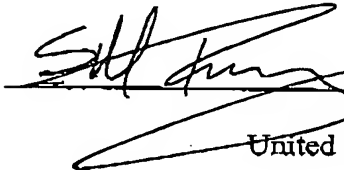
Citizenship: United Kingdom

Mailing Address: CXR Biosciences Ltd.  
James Lindsay Place  
Dundee Technopole  
Dundee, Scotland DD1 5JJ  
United Kingdom

## ATTORNEY DOCKET NO. 9052-241

Full name of fifth inventor: **Simon Martin Temperley**

Inventor's

Signature: 

Date: 5<sup>th</sup> APRIL 2006

Residence:

 United Kingdom

Citizenship:

United Kingdom

Mailing Address:

CXR Biosciences Ltd.  
James Lindsay Place  
Dundee Technopole  
Dundee, Scotland DD1 5JJ  
United Kingdom

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	9052-241
		Application Number	10/572,975
Title of Invention	EXCRETABLE REPORTER SYSTEMS		

COPY

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

**Secrecy Order 37 CFR 5.2**

- ☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

**Applicant Information:**

<b>Applicant 1</b>				
<b>Applicant Authority</b>		<input type="radio"/> Inventor		<input checked="" type="radio"/> Legal Representative under 35 U.S.C. 117
		<input type="radio"/> Party of Interest under 35 U.S.C. 118		
If applicant is not an inventor, indicate the authority to file for the patent on behalf of the inventor, the inventor is:				
Deceased				
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Anthony	John	Clark	
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
<b>City</b>	Midlothian, Scotland	<b>Country Of Residence</b>	GB	
<b>Citizenship under 37 CFR 1.41(b) i</b>		GB		
<b>Mailing Address of Applicant:</b>				
<b>Address 1</b>		Roslin Institute (Edinburgh)		
<b>Address 2</b>		Roslin Biocentre		
<b>City</b>	Midlothian, Scotland	<b>State/Province</b>		
<b>Postal Code</b>	EH25 9PS	<b>Country</b>	GB	
If the representative for the inventor is an Organization check here. <input type="checkbox"/>				
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Helen	Elizabeth	Clark	
<b>Residence Information of the Inventor's Representative:</b>				
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
<b>City</b>	Midlothian, Scotland	<b>Country Of Residence</b>	GB	
<b>Citizenship under 37 CFR 1.41(b) i</b>		GB		
<b>Mailing Address of the Inventor's Representative:</b>				
<b>Address 1</b>		Roslin Institute (Edinburgh)		
<b>Address 2</b>		Roslin Biocentre		
<b>City</b>	Midlothian, Scotland	<b>State/Province</b>		
<b>Postal Code</b>	EH25 9PS	<b>Country</b>	GB	
<b>Applicant 2</b>				
<b>Applicant Authority</b>		<input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117
		<input type="radio"/> Party of Interest under 35 U.S.C. 118		
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Charles	Roland	Wolf	

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U.S. Patent

Approved for use through 02/28/2007. OMB 0851-0032  
Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>Application Data Sheet 37 CFR 1.76</b>		<b>Attorney Docket Number</b>	9052-241
		<b>Application Number</b>	10/572,975
<b>Title of Invention</b>	EXCRETABLE REPORTER SYSTEMS		

<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
<b>City</b>	Dundee, Scotland	<b>Country Of Residence</b>	GB	
<b>Citizenship under 37 CFR 1.41(b) i</b>		GB		
<b>Mailing Address of Applicant:</b>				
<b>Address 1</b>	CXR Biosciences Ltd.			
<b>Address 2</b>	James Lindsay, Dundee Technopole			
<b>City</b>	Dundee, Scotland	<b>State/Province</b>		
<b>Postal Code</b>	DD1 5JJ	<b>Country</b>	GB	
<b>Applicant 3</b>				
<b>Applicant Authority</b> <input checked="" type="radio"/> Inventor <input type="radio"/> Legal Representative under 35 U.S.C. 117 <input type="radio"/> Party of Interest under 35 U.S.C. 118				
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Christopher	Bruce Alexander	Whitelaw	
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
<b>City</b>	Midlothian, Scotland	<b>Country Of Residence</b>	GB	
<b>Citizenship under 37 CFR 1.41(b) i</b>		GB		
<b>Mailing Address of Applicant:</b>				
<b>Address 1</b>	Roslin Institute (Edinburgh)			
<b>Address 2</b>	Roslin Biocentre			
<b>City</b>	Midlothian, Scotland	<b>State/Province</b>		
<b>Postal Code</b>	EH25 9PS	<b>Country</b>	GB	
<b>Applicant 4</b>				
<b>Applicant Authority</b> <input checked="" type="radio"/> Inventor <input type="radio"/> Legal Representative under 35 U.S.C. 117 <input type="radio"/> Party of Interest under 35 U.S.C. 118				
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Kenneth		Brown	
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				
<b>City</b>	Dundee, Scotland	<b>Country Of Residence</b>	GB	
<b>Citizenship under 37 CFR 1.41(b) i</b>		GB		
<b>Mailing Address of Applicant:</b>				
<b>Address 1</b>	CXR Biosciences Ltd.			
<b>Address 2</b>	James Lindsay Place, Dundee Technopole			
<b>City</b>	Dundee, Scotland	<b>State/Province</b>		
<b>Postal Code</b>	DD1 5JJ	<b>Country</b>	GB	
<b>Applicant 5</b>				
<b>Applicant Authority</b> <input checked="" type="radio"/> Inventor <input type="radio"/> Legal Representative under 35 U.S.C. 117 <input type="radio"/> Party of Interest under 35 U.S.C. 118				
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>
	Simon	Martin	Temperley	
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service				

U.S. Pat.

Approved for use through 02/28/2007. OMB 0651-0032

Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number		9052-241	
		Application Number		10/572,975	
Title of Invention		EXCRETABLE REPORTER SYSTEMS			
City	Dundee, Scotland	Country Of Residence	GB		
Citizenship under 37 CFR 1.41(b) i		GB			
Mailing Address of Applicant:					
Address 1		CXR Biosciences Ltd.			
Address 2		James Lindsay Place, Dundee Technopole			
City	Dundee, Scotland	State/Province			
Postal Code	DD1 5JJ	Country	GB		
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					

**Correspondence Information:**

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
<input type="checkbox"/> An Address is being provided for the correspondence information of this application.	
Customer Number	20792
Email Address	slomon@myersbigel.com

**Application Information:**

Title of the Invention	EXCRETABLE REPORTER SYSTEMS		
Attorney Docket Number	9052-241	Small Entity Status Claimed	<input type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	5	Suggested Figure for Publication (If any)	
Publication Information:			
<input type="checkbox"/> Request Early Publication (Fee required at time of Request 37 CFR 1.219)			
<input type="checkbox"/> Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.			

**Representative Information:**

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

<b>Application Data Sheet 37 CFR 1.76</b>		<b>Attorney Docket Number</b>	9052-241
		<b>Application Number</b>	10/572,975
<b>Title of Invention</b>	EXCRETABLE REPORTER SYSTEMS		
<b>Please Select One:</b>	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> US Representative (37 CFR 11.9)
<b>Customer Number</b>	20792		

### Domestic Priority Information:

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

<b>Prior Application Status</b>	[None]		
<b>Application Number</b>	<b>Continuity Type</b>	<b>Prior Application Number</b>	<b>Filing Date (YYYY-MM-DD)</b>
	a 371 of International	PCTGB2004004054	2004-09-23

Additional Domestic Priority Data may be generated within this form by selecting the **Add** button.

### Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

<b>Application Number</b>	<b>Country</b>	<b>Parent Filing Date (YYYY-MM-DD)</b>	<b>Priority Claimed</b>
0322196.7	EP	2003-09-23	<input checked="" type="radio"/> Yes <input type="radio"/> No

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

### Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

**Assignee 1**

If the Assignee is an Organization check here. ☒

**Organization Name** Roslin Institute (Edinburgh)

**Mailing Address Information:**

<b>Address 1</b>	Roslin Biocentre		
<b>Address 2</b>			
<b>City</b>	Midlothian, Scotland	<b>State/Province</b>	
<b>Country</b>	GB	<b>Postal Code</b>	EH25 9PS
<b>Phone Number</b>		<b>Fax Number</b>	
<b>Email Address</b>			

**Assignee 2**

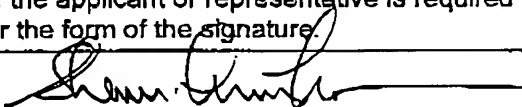
If the Assignee is an Organization check here. ☒

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	9052-241
		Application Number	10/572,975
Title of Invention	EXCRETABLE REPORTER SYSTEMS		

Organization Name	CXR Biosciences Limited		
<b>Mailing Address Information:</b>			
Address 1	James Lindsay Place		
Address 2	Dundee Technopole		
City	Dundee, Scotland	State/Province	
Country	GB	Postal Code	DD1 5JJ
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the Add button.			

**Signature:**

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature			Date (YYYY-MM-DD)
First Name	Shawna	Last Name	Cannon Lemon
Registration Number		53888	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**COPY**

EV 887524558 US

SCL:sef

9052-241  
May 10, 2007

Mail Stop PCT

Commissioner for Patents

Office of PCT Legal Administration

P.O. Box 1450

Alexandria, VA 22313-1450

15-17-07 A09:00 IN

**IAP6 Rec'd PCT/PTO 10 MAY 2007**

Sir: Kindly acknowledge receipt of the accompanying by placing your  
receiving date stamp hereon and mailing:

Response to Decision on Petition Under 37 CFR 1.42; Declaration and Power of  
Attorney for Patent Application (7 pages); Application Data Sheet (5 pages); In re:  
Anthony John Clark et al.; Serial No. 10/572,975; For: **EXCRETABLE**  
**REPORTER SYSTEMS**

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC



\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

TX/RX NO	8156
RECIPIENT ADDRESS	919 854 1401
DESTINATION ID	
ST. TIME	06/01 11:11
TIME USE	01'53
PGS.	7
RESULT	OK